

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA :
Plaintiff : CASE NOS. 1:10 CR 046 and
-vs- : 1:10 CR 331
B. ELISE MILLER :
Defendant : ORDER ACCEPTING PLEA
: AGREEMENT AND JUDGMENT AND
: NOTICE OF HEARING

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of B. Elise Miller which was referred to the Magistrate Judge with the consent of the parties.

On 27 January 2010, the government filed a five-count indictment in Case Number 1:10 CR 046 against B. Elise Miller for witness tampering in violation of 18 U.S.C. § 1512(b)(1) and (3), obstruction of an official proceeding in violation of 18 U.S.C. §§ 1512(c)(2) and 2, and concealment of records in violation of 18 U.S.C. §§ 1512(c)(1) and 2. On 19 February 2010, a hearing was held in which B. Elise Miller entered a plea of not guilty before Magistrate Judge William H. Baughman, Jr.

On 9 August 2010, the government filed a six-count indictment in Case Number 1:10 CR 331 against B. Elise Miller for destruction, alteration, falsification of records in

a federal investigation in violation of 18 U.S.C. §§ 1519 and 2, conspiracy to defraud the United States of America in violation of 18 U.S.C. § 371, obstruction of criminal investigations of health care offenses and aiding and abetting in violation of 18 U.S.C. §§ 1518 and 2, and conspiracy to defraud the United States of America - mail fraud in violation of 18 U.S.C. § 371. On 18 August 2010, a hearing was held in which B. Elise Miller entered a plea of not guilty before Magistrate Kenneth S. McHargh.

On 7 February 2013, Magistrate Judge McHargh received B. Elise Miller's plea of guilty in Case Numbers 1:10 CR 046 and 1:10 CR 331 and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. B. Elise Miller is found to be competent to enter a plea. She understands her constitutional rights. She is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved. Therefore, B. Elise Miller is adjudged guilty of Counts One and Three in Case Number 1:10 CR 046 in violation of 18 U.S.C. § 1512(b)(1) and (3), and Counts One, Three and Five in Case Number 1:10 CR 331 in violation of 18 U.S.C. §§ 1519 and 371.

Sentencing will be:

2 May 2013 at 9:30 a.m.

**Courtroom 16B
16th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

March 26 2013 Jerry Weels
UNITED STATES DISTRICT JUDGE